(21) "16—1—Huzur Secretariat—Election Commission"

Rao Sahib P. V. Raphael *(Chief Secretary to Government):* Sir, I rise to move for an additional allotment of Rs. 1,500 under "16—1—Huzur Secretariat—Election Commission". This amount is required for meeting the expenses of the Election Commissioners who have been appointed to try an election petition. I request that this may be sanctioned.

Demand put and carried

10. Legislative Business—Government Bills

(1) The Cochin Essential Articles Control and Requisitioning Powers Bill

Mr. P. Govinda Menon *(Minister for Food and Education):* Mr. President, Sir, I move that the Cochin Essential Articles Control and Requisitioning Powers Bill be read in Council.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

***Mr. P. Govinda Menon** *(Minister for Food and Education):* Sir, several essential articles were being requisitioned, commandeered and controlled by this Government during the War years. The requisite power or the requisite authority rather, under which Government were doing it was derived from the Defence of India Act and the rules framed thereunder. The Defence of India Act and the Rules framed thereunder were made applicable to Cochin by a Royal Proclamation, VIII of 1115. Under rule 81A of the Defence of India Rules, several orders were passed by Government from time to time in order to enable Government to requisition and control essential articles. As Hon'ble Members may be aware, by the 30th of September 1946 the Defence of India Act and Rules ceased to be law in British India. The Law Officers of this Government advised this Government that it is not proper to continue the Defence of India Act and the Rules which were made applicable *Mutatis Mutandis* to this State by a Proclamation, after that legislation ceased to be in force in British India. It has, however, become necessary for this Government to have authority to continue the control measures. Although the war was over, you know that it is necessary to continue the control measures because the conditions which existed during the time of the War continue to exist even now. It was, therefore, thought that in lieu of rule 81 of the Defence of India Rules, some other legislation should be placed on the Statute Book. Therefore, the provisions of the legislation now placed before this House were passed by a Proclamation. The several orders which were issued under the authority derived from rule 81 are also sought to be kept in force. These are the main provisions of the Bill before the House and though the Bill was passed by way of a Proclamation, it was thought more in the fitness of things to have the law placed on the Statute Book after regularly carrying it through this House. I pray that this Bill may be supported by every section of this House.

***Mr. K. Balakrishna Menon** *(Cheruthuruthi):* Sir, while I welcome the Bill, I am constrained to observe that certain improvements could have been effected to this Bill, especially in regard to the provision for checking black-marketing, which is a necessary evil in this State. You will find, Sir, that the same matter has been the subject of consideration in the Provincial as well as the Central Legislative Assemblies and one of the points advanced against a similar Bill was the existence of black markets and corruption. We had our experience also, Sir, and there is no gainsaying that there were black markets. Here now you have made in the Bill ample provision to see that those parasites of the public who contravene the provisions of this Bill are brought to book and you have gone to the extent of violating the fundamental principles of criminal law by throwing the burden of proof on the accused. If they happen to be in possession of the controled article it is for them to prove how they happened to be in posseesion of the same. At the same time you ought to have remembered that the officer whom you expect to enforce these rules is also a human being with as much weakness as a member of society. Against him, I ask, what provision is made in the Bill? Well, Sir, you may, as a defence for that, invite my attention to the existence of the recently constituted tribunal for corruption and bribery. If that is so, I can only say the less said about it the better. It would have been much better if you had left us to the provisions of the Penal Code, where, at any rate, we have one advantage and that is there is no question of limitation. Here, you have to put in a verified petition and there is the trumpeting reiteration that if you do not prove it, you in your turn will be prosecuted. If anybody puts in a complaint, he runs the risk of a prosecution unless he is able to prove the complaint put in by him. While that is so, I ask, Sir, is it safe to carry

* Speech not corrected by the Hon'ble Member.

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